

## **REMARKS**

The instant application stands objected to and rejected for various formalistic and substantive reasons. The drawings and specification are objected to and claims 1-3 and 34-56 stand rejected as being indefinite and unpatentable over the prior art.

### **Objections to the Drawings**

The drawings are objected to because reference character “20” has been used to designate two features of the invention in Figures 4 and 5. The reference character 20 corresponds to the brush holder and the reference character 21 now corresponds to the second side. Attendant corrections have been made to the written disclosure and the drawings. Submitted herewith is a set of amended drawings and request for entry of the same.

The drawings are also objected to for omitting the “wire guide,” recited by claim 56. Applicant has amended the drawings and written description to reflect the presence of a wire guide (81) holding and retaining wire (80) extending from the motor. Applicant’s submit that the specification, at page 7, supports the “wire guide,” stating that “wire guides (not shown) may be connected to the platform 10. These guides hold and retain in position the insulated electrical wires 80 running from the motor 30.” Further, the wire guide shown in Figures 5 and 5A would have been known to one of ordinary skill in the art at the time of invention.

### **Objections to the Specification**

The written disclosure is objected to because the second side “20” should be given a different number. Applicant has attended to this informality above.

### **35 U.S.C. §§ 112 Rejections**

Claims 1-3 and 34-56 stand rejected under 35 U.S.C. §§ 112 for failing to comply with the written description requirement because it is allegedly not clear how many embodiments are disclosed, the differences between the embodiments and which figures relate to which embodiments. Applicant respectfully traverses the rejection, stating that the specification is clear on these points. Even assuming *arguendo* that such ambiguity does exist in the specification, Applicant is unaware of any authority for a written description rejection on this basis. Accordingly, if this rejection is maintained, Applicant requests that future Office Actions provide specific authority in support of such a rejection so that Applicant may appropriately respond.

Claims 48, 49 and 51 stand rejected under 35 U.S.C. §§ 112 for failing to particularly point out and distinctly claim the subject matter that Applicant regards as his invention. In particular, claim 48 stands rejected because it is allegedly unclear which dimensions “a first length” and “a second length” refer to. Claim 49 stands rejected because it is allegedly unclear which dimension “a first width” and “a second width” refer to. Claim 51 stands rejected because there is no antecedent basis for the “stop bar.”

With respect to claim 48, Applicant respectfully submits that the first length and second length are clear in view of the specification. The specification, at page 5, clarifies the dimensions of the first and second lengths, stating that the “housing is rectangular in that the first side and second side are of a first length and the first end and second end are of a second length.”

With respect to claim 49, Applicants respectfully submit that the first width and second width are clear. Referring to Figure 7, the width of the top side (48) is greater than the width of the bottom side (54). The width of the top side, for example, is the dimension of the top side (48) when measured from the first side (56) to the second side (58).

Finally, Applicant has amended claim 51 to recite “a” stop bar to overcome the rejection for antecedent basis.

### **35 U.S.C. §§ 102 and 103 Rejections**

Claims 1-3, 44 and 56 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,593,220 to Cousins et. al. (hereinafter “Cousins”). Claims 34-43 stand rejected under 35 U.S.C. § 103 as being obvious over Cousins in view of U.S. Pat. No. 5,090,974 to Kasper et. al. (hereinafter “Kasper”). Claim 45 stands rejected under 35 U.S.C. § 103 as being obvious over Cousins in view of U.S. Pat. No. 6,005,323 to Morimoto et. al. (hereinafter “Morimoto”). Claim 46 stands rejected under 35 U.S.C. § 103 as being obvious over Cousins in view of U.S. Pat. No. 6,246,145. Claims 47, 48, 54 and 55 stand rejected under 35 U.S.C. § 103 as being obvious over Cousins in view of U.S. Pat. No. 5,648,695 to Yamaguchi et. al. (hereinafter “Yamaguchi”). Claims 49-51 stand rejected under 35 U.S.C. § 103 as being obvious over Cousins in view of Yamaguchi and further in view of Morimoto. Claims 52 and 53 stand rejected under 35 U.S.C. § 103 as being obvious over Cousins in view of U.S. Pat. No. 5,753,995.

Claim 1, which is the only pending independent claim, has been amended to recite “at least one motor support mounted to the platform.” Applicants respectfully submit that this amendment does not introduce new matter. Applicant respectfully submits that amended independent claim 1, which incorporates the motor support limitation of claim 40, is allowable over the prior art of record because the Office Action does not provide sufficient motivation for combining Cousins with Kasper and because incorporation of the motor support of Kasper into Cousins would impair the operation of Cousins.

As an initial matter, the Office Action fails to point out and Applicant fails to find any suggestion or motivation in either Cousins or Kasper to combine the references. It is well-settled that “the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990). Here, without expressly stating as much, the Office Action, at page 5, appears to indicate that the motivation for combining references is that “Cousins and Kasper are in the same field of endeavor.” Importantly, Cousins does not suggest any unresolved challenges with regard to the need to support its motor and Kasper does not suggest applying a support to the apparatus of Cousins. Thus, the only potential teaching for such motivation is Applicant’s own patent application, which constitutes impermissible hindsight. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejection of claim 40 (now amended independent claim 1) and pass that claim and all claims dependent therefrom to allowance. If the rejection is maintained, Applicant requests that future office actions point out the motivation supporting the asserted combination with specificity so Applicant can frame an appropriate response.

Further, and along these lines, combining Cousins with Kasper by applying the motor support of Kasper to Cousins would impermissibly impair the operation of Cousins. *In re Fritch*, 972 F.2d 1260, 1266, n.12 (Fed. Cir. 1992). Not only is the motor support of Kasper unnecessary in Cousins, but one of skill in the art would not include the Kasper motor support in the Cousins apparatus because to do so could eliminate the connection of terminal blades (76) and connectors (146), shown in Cousins Figure 2. Thus, Applicant respectfully submits that amended independent claim 1 and all claims dependent therefrom are allowable over Cousins and Kasper.

FIG. 4

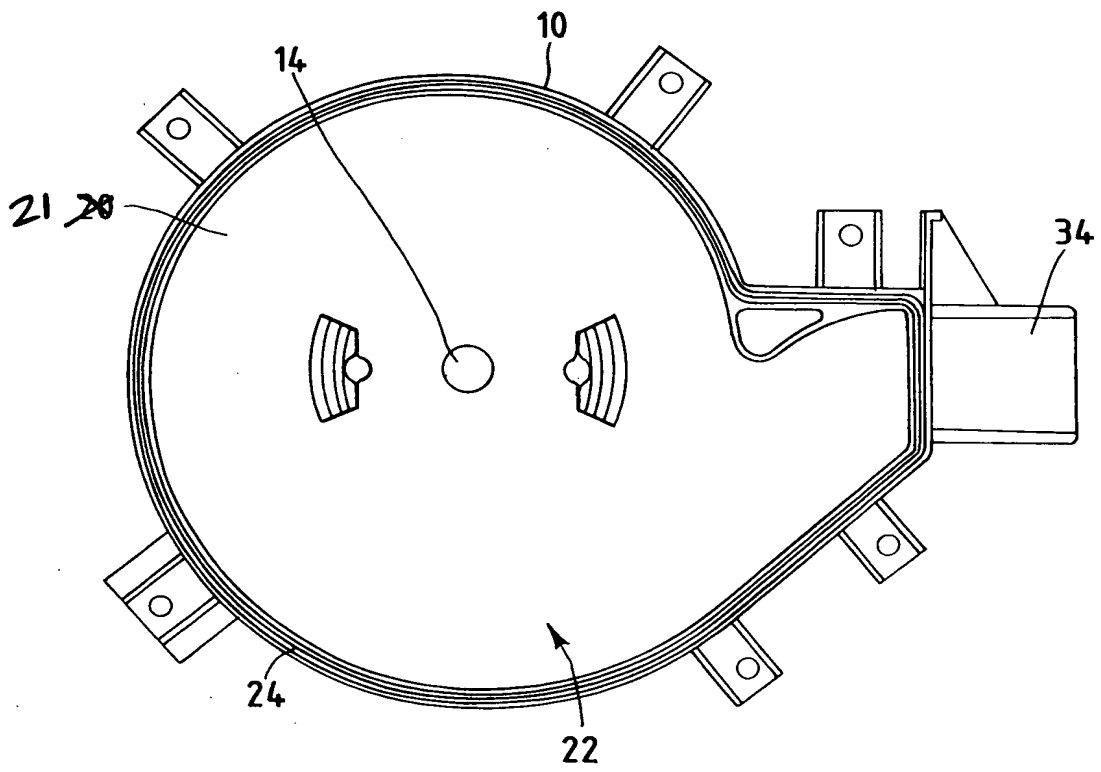
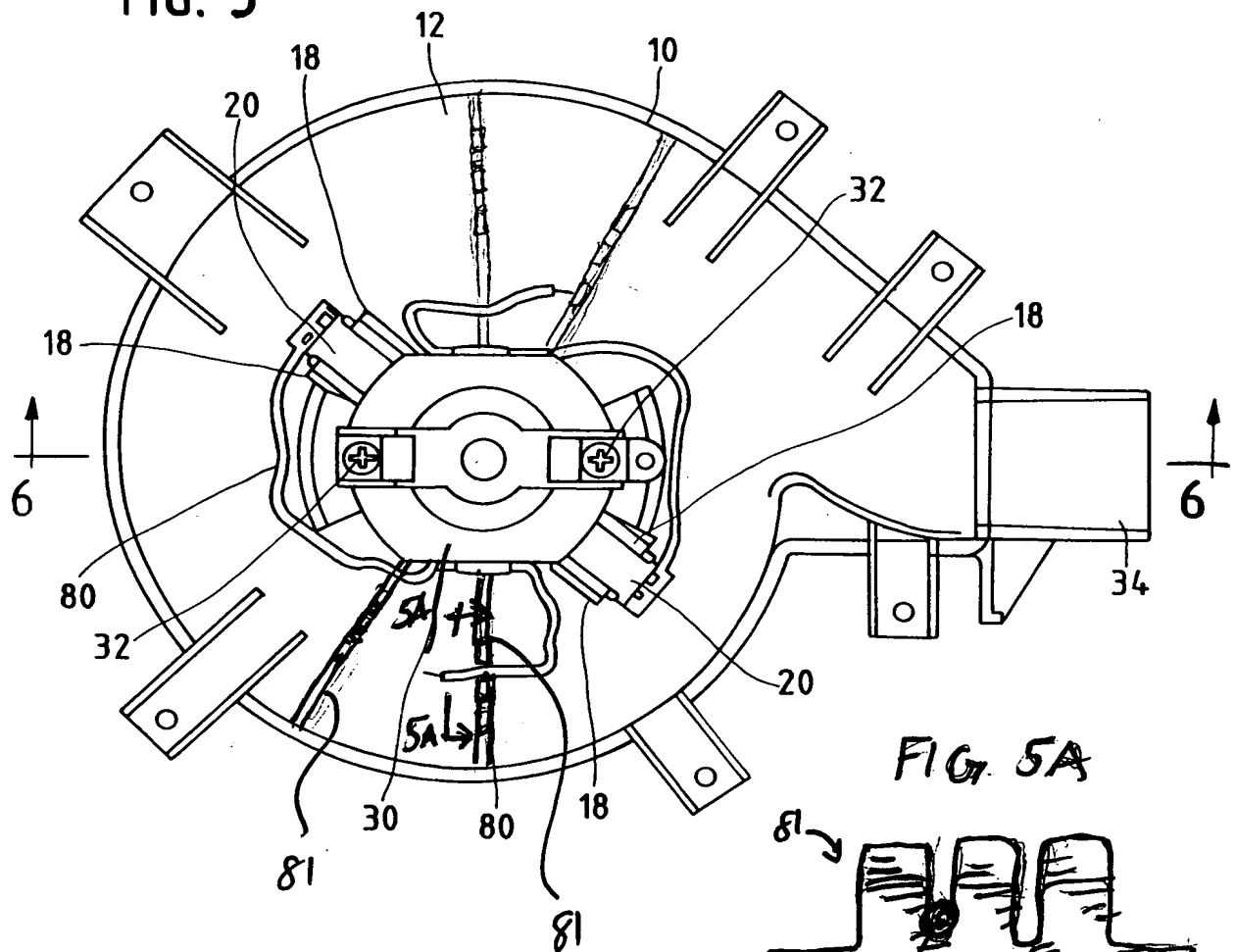


FIG. 5



**FIG. 6**

